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IN THE SUPREME COURT
STATE OF ARIZONA

PETITION TO AMEND)	
RULES 29.1 & 41 OF THE)	
ARIZONA RULES OF CRIMINAL)	Supreme Court No. R-17-_____
PROCEDURE)	(expedited consideration requested)
_____)	

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend Rule 29.1 and 41 of the Arizona Rules of Criminal Procedure. The proposed change will implement a new statutory provision included in Laws 2017, Chapter 87, SB 1422.

I. Background of the Proposed New Rule Amendment.

Senate Bill 1422 was passed in the First Regular Session of the Fifty-third Legislature (2017). A.R.S. § 13-907.01 authorizes a sex trafficking victim who was convicted of prostitution to apply to the court to have the defendant's conviction vacated. SB 1422 amended this statute to include violations of city or town ordinances that have the same or substantially similar elements as § 13-3214.

II. The Proposed Change to Rules 29 and Rule 41, Form 21.

Rule 29 of the Arizona Rules of Criminal Procedure provides procedures for submitting and processing applications to have a defendant's conviction vacated, to withdraw a guilty plea, and to restore the defendant's civil rights. The proposed amendment to Rule 29.1 expands the basis for vacating a conviction to include city or town ordinances that have the same or similar elements as § 13-3214. The proposal also amends Form 21(a), the Application to Vacate Conviction for a Prior Offense Under A.R.S. § 13-907.01, contained in Rule 41. The proposal also tracks the change in SB 1422 that modified "prior to" July 24, 2014, to "before" July 24, 2014. The proposed amendments are shown in the Appendix to this petition.

III. Preliminary Comments. This petition was not circulated for pre-petition comments due to the technical nature of the amendments and the short time frame for filing this petition.

IV. Request for Emergency Adoption. SB 1442 has an effective date of August 9, 2017, and action on this rule petition is required before the effective date. Petitioner accordingly requests expedited adoption of the proposed rule changes with a formal comment period to follow as permitted by Rule 28(G) of the Rules of the Supreme Court.

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RESPECTFULLY SUBMITTED this 14th day of June, 2017

By /s/

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Appendix

(Additions are shown by underline; deletions are shown by ~~striketrough~~)

Rule 29. RESTORATION OF CIVIL RIGHTS OR VACATION OF CONVICTION

29.1 Grounds and Notice

a. Probationers. [no change]

b. Sex Trafficking Victims. A sex trafficking victim may apply to the court that pronounced sentence to vacate a conviction of a violation of A.R.S. § 13-3214 or a city or town ordinance that has the same or substantially similar elements as section 13-3214 committed ~~prior to~~ before July 24, 2014 pursuant to A.R.S. § 13-907.01.

Form 21(a) Application to Vacate Conviction under A.R.S. § 13-907.01

_____ Court _____ County, Arizona

APPLICANT (Name/Address/Phone):	CASE NO. _____ APPLICATION	APPLICATION TO VACATE CONVICTION FOR A PRIOR OFFENSE UNDER A.R.S. § 13-907.01 AND SUPPORTING DECLARATION
<p>APPLICANT asks the court to vacate the conviction for the crime of Prostitution, under A.R.S. § 13-3214 <u>or a city or town ordinance that has the same or substantially similar elements as section 13-3214</u>, committed prior to <u>before</u> July 24, 2014. The conviction occurred on _____ in this court. This relief is sought under A.R.S. § 13-907.01. The law provides that any person so convicted may apply to the sentencing court to vacate the conviction. The applicant is entitled to relief if the applicant can establish by clear and convincing evidence that the applicant's participation in the offense was the direct result of having been a victim of sex trafficking pursuant to A.R.S. § 13-1307.</p>		
<p><u>Explain how you were a victim of sex trafficking and, as a direct result, were convicted of prostitution:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>If additional information is required, you may attach additional pages on lined paper.</p> <p>I state under penalty of perjury that the information I have provided on this form is true and correct.</p> <p>Date: _____ Signature _____ Applicant</p>		
<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I CERTIFY that I delivered or mailed a copy of this application to the prosecutor's office that prosecuted the case at the following address: _____</p> <p>_____</p> <p>Date: _____ Signature _____ Applicant</p>		